

Kelly Holligan, Director (MC 203)
Water Quality Planning Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Holligan:

The purpose of this letter is to respond to your June 4, 2014, letter requesting a waiver to deviate from the Clean Water Act Section 319(h) National Program Guidance which set allotments for both program and project nonpoint source funds. Specifically, the Texas Commission on Environmental Quality has requested to use \$1,267,508 in FY14 Section 319 watershed project funds as program funds. Our preliminary review indicates that your waiver request appears to be approveable provided the following conditions:
~~I am pleased to inform you that your waiver request has been approved with conditions.~~

~~To ensure that TCEQ's forward progress continues, and to minimize the need for future waivers, the following are the conditions for the waiver approval:~~

- ~~Please submit~~The state must submit -a strategy by August 22, 2014 describing mechanisms including the process, schedule and quarterly milestones to increase the number of completed WBPs. The strategy should track progress on a ~~semi-annual~~quarterly basis and provide a framework for TCEQ's independence from NPS Section 319(h) waivers beyond 2016.
- EPA will evaluate your proposed strategy to ensure it meets our expectations.
- Once the strategy has been approved, EPA will consider a CWA Section 319(h) waiver request from TCEQ for FY15, less 50%.
- By FY16, it is expected that TCEQ manage their NPS Program without the use of waivers. Waiver requests in FY16 and beyond will be considered only in the case of "unusual circumstances", as stipulated in the Guidelines.

Waivers should be considered a short-term rather than an ongoing mechanism to increase the number of WBPs. We are optimistic that approval of this waiver will help TCEQ achieve the goal of increasing the number of WBPs, which will ultimately lead to restoration success.

If you have questions or concerns regarding this letter, please call me at (214) 665-3187 or your staff may contact Anthony Suttice of my staff at (214) 665-8590. Thank you for your continued efforts to improve water quality in Texas.

Sincerely yours,

William K. Honker, P.E.
Director, Water Quality Protection Division

cc:

K. Niemann, TCEQ
K. Girtten, TCEQ
L. Hall, USEPA HQ
C. Jones, USEPA R6
P. Crocker, USEPA R6
B. Lamb, USEPA R6
A. Suttice, USEPA R6

6WQ-AT_as:asuttice:8590:05-21-2014: EPA Response Letter to TCEQ's FY14 Waiver

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